

## **REMARKS**

The issues outstanding in the Office Action of May 20, 2009, are the requirement for restriction and the rejections under 35 U.S.C. 103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

### **Requirement for Restriction**

Applicants' traversal of the restriction requirement is maintained for the reasons of record. It is submitted that PCT rule 13.2 indicates that, regardless of special technical feature, claims to groups of inventions such as a product, a process for making the product and a process for using the product *shall* be considered to have unity of invention. In any event, it is submitted that, in view of the allowability of the product claims as discussed below, rejoinder and examination of the non-elected groups is now appropriate. The same is respectfully requested.

### **Rejections Under 35 U.S.C. 103**

Claims 1 and 4-11 have been rejected under 35 U.S.C. 103 over Cacace '858 taken with Schauer '046 and Sollman '027. Reconsideration of this rejection is respectfully requested.

Cacace discloses metal oxide substrates coated with a layer comprising a specific polymer and a specific pigment, additionally coating on top of this polymeric layer a coating comprising as an essential component hydrated aluminum oxide or a combination of hydrated cerium and aluminum oxides. Then, on top of this layer consisting of hydrated oxides, there is a further coating layer which consists of a hydrolyzed silane coupling agent. In a further embodiment of Cacace, it is indicated that the hydrolyzed silane coupling agent may be intermingled with the layer consisting of hydrated aluminum oxide or of a combination of hydrated aluminum and cerium oxide. This specific layer structure is disclosed, e.g., at col. 2, lines 20-29 and in claim 1 of Cacace. The Office Action admits, at page 3, that the reference is "silent to a polymer coating on the silane." Perhaps more accurately, the reference does not disclose substrates directly coated with a polymer, and on the polymer, a silane, *other than* where alumina or ceria are present intermixed with the silane. Thus, claim 1 does not read on this disclosure, as the claim

excludes alumina and ceria.

Schauer does not remedy the deficiency of the primary reference. Schauer discloses coating of particles with polymers in order to stabilize the dispersability thereof in liquid media. See, for example, col. 1, lines 45-54. Schauer does not disclose the use of silanes. However, the Office Action theorizes, at pages 3 and 4, that one of ordinary skill in the art would be motivated to use the polymers as a coating on the pigments of Cacace, to provide additional protection against mechanical damage. If this were the case, one of ordinary skill in the art would apply the polymers as a coating on top of the polymer and silane and alumina-ceria coated polymers of the primary reference, or one of ordinary skill in the art would *substitute* the polymer for that of Cacace. Neither embodiment in this theory would thus remedy the deficiency of Cacace, which does not teach polymer/silane or silane/polymer layer coatings, in the absence of alumina or ceria.

Sollman, cited solely for the teaching of silane coupling agents to reinforce organic fillers or pigments, is not seen to remedy this deficiency, inasmuch as the primary reference already contains silane, but not in the manner of claim 1 herein. Silane coupling agents would not be employed in a way to remedy this deficiency, so that layers as claimed would be produced. Withdrawal of this rejection is accordingly respectfully requested.

It is further submitted that independent claim 4 is additionally patentable over the combination of references. Claim 4 recites the embodiment of the invention in which substrates are first coated with silane, and then a layer of polymer applied thereto. All of the cited references employing silane do not apply it to the substrate directly, and then coat with polymer.

It is finally noted that this rejection has not been applied to claim 3, which has been placed in independent form.

Claims 1, 3, 5, 8 and 10-11 have been rejected under 35 U.S.C. 103 over Hashizume '283. Reconsideration of this rejection is respectfully requested.

Hashizume discloses improving the problematic chroma of metallic pigments by adhering color pigments to substrate particles such as aluminum flakes (col. 2, lines 25-29). Hashizume teaches two different methods, which can be used alone or in combination.

First, the properties of color pigments which are used for adhering to substrate particles

can be enhanced by covering the color pigments with a surface-treatment agent selected from a monobasic aromatic carboxylic acid and an amino compound having 2 amino groups (col. 3, lines 29-35).

Secondly, adhesion of color pigments to substrate particles can be improved by coating the assemblage of both particles (the colored substrate particle) with a polymer, whereby the polymer may be formed during the production step of the colored substrate particles, that means during the step of adhering the color pigments to the substrate particles (col. 5, lines 30-44).

It is clear, accordingly, that Hashizume is directed solely to pigments having as substrates metal flakes. Accordingly, this patent is submitted not to be relevant to the present claims. Accordingly, withdrawal of this rejection is also respectfully requested.

Finally, claim 9 has been rejected under 35 U.S.C. 103 over Hashizume taken with Kabra '442. Reconsideration of this rejection is also respectfully requested. As noted above, Hashizume fails to suggest the use of substrates other than metal particles. Kabra is respectfully submitted to be directed to non-analogous art, inasmuch as it is directed to the field of microporous fast response gels. See, for example, the abstract and claim 1. Accordingly, withdrawal of this rejection is also respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he or she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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